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20th Ordinary Meeting of the Contracting Parties to the
Convention for the Protection of the Marine Environment
and the Coastal Region of the Mediterranean and its Protocols

Tirana, Albania, 17-20 December 2017

Agenda item 3: Thematic Decisions

Draft Decision IG.23/2: Compliance Committee: biennium 2016–2017

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UNEP/MAP
Athens, 2017

Note by the Secretariat

1. The Compliance Committee met twice for the biennium 2016-2017. The 12th and 13th Meetings of the Compliance Committee were held on 24-25 January 2017 and 26-27 September 2017 respectively, in Athens, Greece at the premises of the UN Environment/Mediterranean Action Plan (UN Environment/MAP) Coordinating Unit.
2. At its 12th and 13th Meetings, the Compliance Committee went through its Programme of Work for the biennium 2016-2017 and put in place arrangements for ensuring delivery in time for COP 20.
3. Deliverables and key points raised at those meetings are presented in the Activity Report of the Compliance Committee for the biennium 2016-2017, which is annexed to the present draft Decision. The Activity Report was agreed by the 13th Meeting of the Compliance Committee (UNEP)DEPI/MED IG 23/Inf.4), and summarises the work undertaken by the Compliance Committee for each of the activities of its Programme of Work for the biennium 2016-2017. This ranges from the draft Revised Reporting Format, to the Admissibility Criteria of Relevant Information Sources and Procedure under Paragraph 23.bis of the Procedures and Mechanisms on Compliance, to the consideration of the current status of reporting and subsequent action by the Compliance Committee under the Procedures and Mechanisms on Compliance.
4. The Admissibility Criteria should be particularly drawn to the attention of Contracting Parties given the implications on the functioning of the Compliance Committee.
5. The Admissibility Criteria are framed into the context of Article 23.bis (Referral to the Committee on its own initiative) of the Procedures and Mechanisms on Compliance, under which: “The Committee may examine, on the basis of the biennial activity reports or in the light of any other relevant information, any difficulties encountered by a Contracting Party in the implementation of the Convention and its Protocols (...).”
6. The Admissibility Criteria rest upon the interpretation of the Compliance Committee that the term “any other relevant information” is comprehensive in its coverage, so as to include all sources of information. This includes the public and observers, as defined by the Rules of Procedure of the Compliance Committee, meaning in practical terms that under Article 23.bis of the Procedures and Mechanisms on Compliance, both the public and observes could address the Compliance Committee.
7. In addition, at its 13th Meeting, the Compliance Committee finalised its Programme of Work for the biennium 2018-2019, which is also annexed to the present draft Decision. The Programme of Work was agreed by the 13th Meeting of the Compliance Committee, and contains a set of activities for the Compliance Committee to carry out within the 2018-2019 timeline.
8. The attached draft decision addresses the following: (i) the Activity Report of the Compliance Committee for the biennium 2016-2017; (ii) the Programme of Work of the Committee for the biennium 2018-2019; and (iii) Renewal or Election of the Membership of the Compliance Committee
9. The implementation of this decision is linked to Output 1.2.1 of the proposed Programme of Work. It has budgetary implications on the Mediterranean Trust Fund (MTF), reflected in the proposed budget.

Draft decision IG.23/2

Compliance Committee: biennium 2016–2017

The Contracting Parties to the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols at their twentieth meeting,

Having regard to the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols, in particular article 27 thereof on compliance,

Recalling decision IG.17/2 of the fifteenth meeting of the Contracting Parties on procedures and mechanisms on compliance under the Barcelona Convention and its Protocols, as amended by decision IG. 20/1 of the seventeenth meeting of the Contracting Parties and decision IG. 21/1 of the eighteenth meeting of the Contracting Parties,

Recalling also decision IG. 19/1 of the sixteenth meeting of the Contracting Parties on the rules of procedure of the Compliance Committee, as amended by decision IG. 21/1 of the eighteenth meeting of the Contracting Parties,

Emphasizing the role of the Compliance Committee in assessing specific situations of actual or potential non-compliance by individual Contracting Parties and general compliance issues, and in providing advice and assisting Contracting Parties in facilitating and promoting compliance with their obligations under the Barcelona Convention and its Protocols,

Reminding Contracting Parties of the importance of timely providing nomination to the Compliance Committee to ensure its renewal and proper functioning and in this respect strongly emphasizing the obligation of the Contracting Parties to ensure the active and consistent participation of their approved nominees to the work of the Compliance Committee,

Noting with appreciation the work undertaken by the Compliance Committee during the biennium 2016–2017,

Seeking to promote identification, as early as possible, of the challenges faced by Contracting Parties in implementing the Barcelona Convention and its Protocols, and ensuring that the most appropriate and effective measures are taken to address those challenges,

Conscious of the need to further enhance the effectiveness of compliance mechanisms and procedures, thus strengthening the role of the Compliance Committee in facilitating and promoting compliance with the Barcelona Convention and its Protocols,

Having considered the meeting reports of the biennium 2016–2017 submitted by the Compliance Committee to the Contracting Parties at their twentieth meeting,¹

- 1. Take note of the Activity Report of the Compliance Committee for the biennium 2016-2017, including the Admissibility Criteria of Relevant Information Sources and Procedure under Paragraph 23.bis of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols, as contained in Annex I to the present Decision;*
- 2. Adopt the Programme of Work of the Compliance Committee for the biennium 2018-2019, as contained in Annex II to the present Decision;*
- 3. Elect and/or renew, in accordance with the Procedures and Mechanisms on Compliance, the membership of the Compliance Committee, as set out in Annex III to the present Decision;*

¹ UNEP (DEPI)/MED IG.23/Inf.4.

4. *Request* the Compliance Committee to report to the Contracting Parties at their twenty-first meeting on the work it has carried out to fulfil its functions in accordance with paragraph 31 of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols.

Annex I

Activity Report of the Compliance Committee for the biennium 2016-2017

Activity Report of the Compliance Committee for the biennium 2016-2017

Section 1: Introduction

1. The role and functioning of the Compliance Committee is governed by Decision IG.17/2 on Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols, as amended by Decisions IG. 20/1 and IG. 21/1 and Decision IG. 19/1 on the Rules of Procedure of the Compliance Committee, as amended by Decision IG. 21/1.
2. The Compliance Committee met twice for the biennium 2016-2017. The 12th and 13th Meetings of the Compliance Committee were held on 24-25 January 2017 and 26-27 September 2017 respectively, in Athens, Greece at the premises of the UN Environment/Mediterranean Action Plan (UN Environment/MAP) Coordinating Unit.
3. At its 12th Meeting, pursuant to Paragraph 10 of the Procedures and Mechanisms on Compliance and Rule 6 of the Rules of Procedure of the Compliance Committee, the Compliance Committee elected for the biennium 2016-2017: (1) Milena Batakovic (Group III) as Chairperson of the Compliance Committee; (2) José Juste-Ruiz (Group II) as Vice-Chairperson of the Compliance Committee, and (3) Samira Hamidi (Group I) as Vice-Chairperson of the Compliance Committee.
4. The 13th Meeting of the Compliance Committee elected the same Chairperson and two Vice-Chairs for the biennium 2018-2019, provided that they continue to be members of the Compliance Committee after the 20th Meeting of the Contracting Parties (COP 20) (Tirana, Albania, 17-20 December 2017).
5. The paragraphs below highlight the main points raised and deliverables at the 12th and 13th meetings of the Compliance Committee for each of the activities of the Programme of Work of the Compliance Committee for the biennium 2016-2017 (COP 19, Decision IG. 22/15).

Section 2: General issues of Compliance and Implementation under the Barcelona Convention and its Protocols

2016-2017 Programme of Work, Activity 9: "Elaboration of an explanatory note for the revised reporting format of the Barcelona Convention and its Protocols"

Draft Revised Reporting Format

6. At its 12th Meeting, the Compliance Committee examined a draft Revised Reporting Format for the Implementation of the Barcelona Convention and its Protocols. The draft was prepared by the Secretariat in close coordination with MAP components following Decisions 22/16 and 22/20 of COP 19, by which the Meeting of the Contracting Parties requested a simplified and practical draft of the reporting format for the Barcelona Convention and its Protocols.
7. The Revised Reporting Format triggered a number of questions, such as the possibility to simplify the quantitative sections of the Revised Reporting Format, the importance to give Contracting Parties further room to explain difficulties and challenges faced when implementing the Barcelona Convention and its Protocols and the need to distinguish between mandatory reporting and optional reporting when assessing compliance.
8. Based on discussion, and keeping in mind the scheduled exercise test of the Revised Reporting Format among MAP Focal Points, arrangements were made for the Compliance Committee to provide comments interessionally. As a result, a further refined version of the Revised Reporting Format was produced for MAP Focal Points to test.
9. At its 13th Meeting, at the time of preparing its Programme of Work for the biennium 2018-2019, the Compliance Committee agreed to include among its activities the development of an Explanatory Note for the Revised Reporting Format of the Barcelona Convention and its Protocols. This should be taken forward once the Revised Reporting Format for the implementation of the Barcelona Convention and its Protocols is adopted by COP 20.

2016-2017 Programme of Work, Activity 3: “Analysis in accordance with paragraphs 17 (b) and (c) of the Procedures and Mechanisms on Compliance, of general issues of non-compliance arising out of the reports submitted by the Contracting Parties for the periods 2012-2013 and 2014-2015”

2016-2017 Programme of Work, Activity 10: “Examination, in close coordination with the MAP Components, of possible difficulties in the interpretation of the provisions of the Protocols, for consideration at the Meeting of the Contracting Parties”

Draft Guidelines for the Preliminary Assessment of Reports submitted under Article 26 of the Barcelona Convention and relevant Articles of its Protocols

10. At its 12th Meeting, the Compliance Committee examined the draft Guidelines for the Evaluation of Reports to Identify Actual or Potential Cases of Non-Compliance and made arrangements for the draft Guidelines to be tested intersessionally by the Committee against three national implementation reports for the reporting period 2014-2015.

11. The results of the testing exercise were tabled at the 13th Meeting of the Compliance Committee, which highlighted the importance of setting criteria for assessing compliance. The Committee noted that work in that direction requires a thorough examination of the results of the testing exercise and that under the given tight time constraints, it would not be prudent to do so at this stage.

12. In light of the above, the Compliance Committee agreed to analyse the results of the testing of the draft Guidelines for the Preliminary Assessment of Reports to Identify Actual or Potential Cases of Non-Compliance at its 14th Meeting, and include among the activities of its Programme of Work for the biennium 2018-2019 the establishment of a set of criteria for assessing compliance, within the context of the Draft Guidelines

Evaluation of National Implementation Reports following Section IV of the Procedures and Mechanisms of Compliance

13. At its 12th Meeting, the Compliance Committee examined the Synthesis Analysis of the information provided in the national implementation reports submitted following the 11th Compliance Committee Meeting for the period 2012-2013 and agreed, in preparation for its next meeting, to instruct the Secretariat to prepare an analysis of the information submitted by Contracting Parties for the reporting period 2014-2015.

14. At its 13th Meeting, the Compliance Committee held a general discussion on the most effective way to address the Synthesis Analysis of the information provided in the national implementation reports submitted by Contracting Parties for the biennium 2014-2015, as well as the General Status of the Progress in the Implementation of the Barcelona Convention and its Protocols, which had been presented at the Meeting of the MAP Focal Points (Athens, Greece, 12-15 September 2017) as information document UNEP(DEPI)/MED WG. 443/Info.11 and then transmitted to the Committee.

15. The Compliance Committee noted that the thorough and comprehensive nature of the two documents deserved them to be analysed in-depth. Tight time constraints prevented the Committee from doing so and made it advisable to undertake such analysis at the next meeting of the Compliance Committee, based on an updated version of both the Synthesis Analysis and the General Status of Progress and involving MAP components, as deemed necessary.

16. In light of the above, the Compliance Committee agreed to request the Secretariat to update the Synthesis Analysis and the General Status of Progress documents for consideration and action to take by the 14th Meeting of the Compliance Committee. In addition, should further clarification be required, especially regarding the technical analysis of the information submitted in the national implementation reports, the Secretariat will contact MAP Components and provide the relevant information, as appropriate.

2016-2017 Programme of Work, Activity 7: “Follow up of determination of criteria of admissibility of relevant information sources (Article 23.bis of Decision IG. 17/2 related to the Initiative Power of the Compliance Committee)”

Admissibility Criteria and Procedure under Paragraph 23.bis of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols

17. At its 12th Meeting, the Compliance Committee discussed how to operationalise Paragraph 23.bis of the Procedures and Mechanisms on Compliance, under which the Committee may examine, on the basis of the biennial activity reports or in the light of any other relevant information, any difficulties encountered by a Contracting Party in the implementation of the Convention and its Protocols. The Compliance Committee made arrangements for work to be taken forward intersessionally by the Committee in order to prepare a document on admissibility criteria addressing the source and quality of information.

18. The 13th Meeting of the Compliance Committee welcomed and examined the results of this work in the form of draft Admissibility Criteria and Procedure under Paragraph 23.bis of the Procedures and Mechanisms on Compliance and raised the following key points as regards the draft Admissibility Criteria and Procedure: 1) they provide a well articulate step-by-step approach to facilitate the flow of information from the public and observers to the Compliance Committee; 2) they articulate a framework to facilitate members of the public and observers to address the Compliance Committee; 3) they provide an efficient and rational way of handling the communications from the public and observers by the Compliance Committee, thus enhancing public participation and access to information, without overloading the agenda of the Compliance Committee; 4) they are not binding, providing an internal tool for the Compliance Committee to use when processing communications from the public and observers under Paragraph 23.bis of the Procedures and Mechanisms on Compliance. The Compliance Committee also discussed the most appropriate way to present the draft Admissibility Criteria and Procedure to COP 20.

19. Based on intense deliberations and work carried out during the meeting to produce a consensual version of the document, the Compliance Committee agreed on the Admissibility Criteria of Relevant Information Sources and Procedure under Paragraph 23.bis of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols, as annexed to this report for COP 20 to take note of them.

20. The Compliance Committee further agreed that the Admissibility Criteria should be made available at the MAP website, Compliance Committee section, with a view to ensure their accessibility by the general public and MAP components.

2016-2017 Programme of Work, Activity 9: “Analysis of the effectiveness of the application of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols, taking into account the feedback from the Parties on the conditions under which the supporting role of the Committee could be improved”

2016-2017 Programme of Work, Activity 6: “Continuation of the examination of the proposals aimed at strengthening the Committee under the Barcelona Convention and its Protocols”

Methods to enhance the Compliance Mechanisms’ and Procedures’ effectiveness

21. At its 12th Meeting, the Compliance Committee discussed how to strengthen the Compliance Committee’s role and arrangements were put in place for collecting input from MAP Focal Points through a questionnaire devised to identify practical ways and means for the Compliance Committee to best support Contracting Parties in implementing the Barcelona Convention and its Protocols, thus reinforcing its own role in facilitating and promoting compliance.

22. The Compliance Committee noted with disappointment the low level of responses, as inputs were only made by six of the 22 MAP Focal Points.

23. In the ensuing discussion, the Committee further noted that the results of this exercise were a good opportunity to reflect on the visibility of the Compliance Committee. Raising awareness among Contracting Parties and the public of the Compliance Committee's role and work could be very effective in promoting and facilitating compliance.

24. The Compliance Committee agreed to include among the activities of its Programme of Work for the biennium 2018-2019, to continue to work in order to enhance Compliance Mechanisms' and Procedures' effectiveness, with focus on awareness raising activities. In this context, the Committee put in place arrangements for a small group of its members, in coordination with the Secretariat, to revisit the text on the Compliance Committee, as currently appearing on the MAP webpage, and redraft it as appropriate; as well as to identify key elements for future communication materials (i.e. brochure) targeting mainly the general public, MAP Components and MAP Focal Points.

Proposal to amend the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols

25. Under the Agenda item "Other Matters" of its 13th Meeting, a proposal to amend the Procedures and Mechanisms on Compliance was tabled. Tight time constraints prevented the meeting from analysing the proposal in-depth and the Compliance Committee agreed to consider it at its next meeting under a specific Agenda item addressing the amendment of Procedures and Mechanisms on Compliance and include this activity in the Programme of Work of the Compliance Committee for the biennium 2018-2019.

2016-2017 Programme of Work, Activity 11: "Provision of opinion on the assessment to be carried out by the Secretariat with the help of appropriate legal expertise, on the extent of the legally binding nature for the Contracting Parties of programmes of measures and their implementation timetables as adopted in the framework of the Protocols of the Barcelona Convention"

Legal nature of the main obligations of COP Decisions

26. At its 12th Meeting, the Compliance Committee discussed how to take forward the following activity of its programme of work: "Provision of opinion on the assessment to be carried out by the Secretariat with the help of appropriate legal expertise, on the extent of the legally binding nature for the Contracting Parties of programmes of measures and their implementation timetables as adopted in the framework of the Protocols of the Barcelona Convention". The Compliance Committee made arrangements to work intersessionally with the aim of developing a preliminary scoping paper addressing the legal nature and the main obligations of thematic decisions.

27. At its 13th Meeting, the Compliance Committee considered the main elements that should frame further work on the legal nature of the main obligations of COP thematic decisions for the purposes of compliance, highlighting that the initial standing point for any further analysis of this subject is that all acts adopted by the Meetings of the Contracting Parties (COP Decisions) have a normative nature and as such are mandatory.

28. From this point forward, the legal nature of the main obligations contained in COP thematic Decisions, such as the Decisions on Regional Actions Plans, should be analysed, being this exercise of particular relevance within the framework of the Revised Reporting Format, under which the implementation of the Regional Action Plans adopted by COP Decisions plays a key role.

29. The Compliance Committee agreed to include among the activities of its Programme of Work for the biennium 2018-2019 the analysis, within the framework of the Revised Reporting Format, of the legal nature of the main obligations of COP thematic decisions for the purpose of assessing compliance. The Committee further agreed on arrangements for a small group of its members, in coordination with the Secretariat, to take this work forward, starting with the analysis of the legal nature of the main obligations contained in the Land Based Sources Protocol related Regional Plans adopted by COP.

2016-2017 Programme of Work, Activity 5: “Analysis of broader issues requested by the meeting of the Contracting parties in accordance with paragraph 17 (c) of the procedures and mechanisms on compliance, including a detailed examination of the issues raised by MAP Components on the application of the Protocols”

30. At its 13th Meeting, the Compliance Committee noted the General Status of the Progress in the Implementation of the Barcelona Convention and its Protocols, which had been presented at the Meeting of the MAP Focal Points (Athens, Greece, 12-15 September 2017) and then transmitted to the Committee following the MAP Focal Points Meeting. The Committee agreed to proceed as detailed in paragraph 16 above.

Section 3: Specific submissions under Section V of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols

2016-2017 Programme of Work, Activity 1: “Examination of any referrals by the Contracting Parties in accordance with Paragraphs 18 and 19 of the Procedures and Mechanisms on Compliance”
2016-2017 Programme of Work, Activity 2: “Examination of any referrals by the Secretariat in accordance with Paragraph 23 of the Procedures and Mechanisms on Compliance”

31. No submissions were received under Section V of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols neither at the 12th nor the 13th Compliance Committee meetings.

2016-2017 Programme of Work, Activity 4: “Consideration at the Committee’s initiative, of any difficulties encountered by a Contracting Party in applying the Convention and its Protocols in accordance with Paragraph 23.bis of the Procedures and Mechanisms on Compliance”

32. At its 13th Meeting, the Compliance Committee considered the status of reporting for the reporting periods 2012-2013 and 2014-2015, and concluded that the submission of reports by Contracting Parties under Article 26 of the Barcelona Convention is a basic and legally binding requirement. Therefore, the Compliance Committee considers the non-submission of reports for the reporting period(s) 2012-2013 and/or 2014-2015 according to Article 26 of the Convention by the Contracting Parties shown in Table 1 as a potential situation of non-compliance and will take action under Article 23.bis of the Procedures and Mechanisms on Compliance. The Compliance Committee will ask, through the Secretariat, the abovementioned Parties to provide an explanation of the non-submission of their reports and the Parties concerned shall have a period of two months to respond.

Contracting Party	Reporting Period	
	2012-2013	2014-2015
Egypt	Non submission	Non submission
Libya	Non submission	Non submission
Monaco	Non submission	Non submission
Slovenia	Submission	Non submission
Spain	Non submission	Non submission
Syria	Non submission	Non submission
Tunisia	Non submission	Non submission

33. Noting the communication from Ecologistas en Acción de la Región de Murciana, Spain, regarding the implementation of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean by Spain, the 13th Meeting of the Compliance Committee, requested the Secretariat to address the organization in order for them to possibly provide a translation and summary, of twelve pages at maximum, of its communication in English or French.

34. Following the Admissibility Criteria of Relevant Information Sources and Procedure under Paragraph 23.bis of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols, the Compliance Committee, designated Dr. Orr Karassin as Rapporteur for the case, in order to provide a summary for consideration at the 14th Meeting of the Compliance Committee.

Section 4: Recommendations to COP from the Compliance Committee

35. Given the intensive Programme of Work and long hours that committee members invest during the meetings and intersessionally, the Compliance Committee stresses the need to be allocated additional time for its meetings.

Admissibility Criteria of Relevant Information Sources and Procedure under Paragraph 23.bis of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols

1. By Decision IG.21/1, the 18th Meeting of the Contracting Parties (COP 18) (Istanbul, Turkey, 3-6 December 2013) amended the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols (Decision IG. 17/2, as amended) by including a new Paragraph 23.bis under which:

“The Committee may examine, on the basis of the biennial activity reports or in the light of any other relevant information, any difficulties encountered by a Contracting Party in the implementation of the Convention and its Protocols. The Committee may ask the Party concerned to provide all additional information. The Party concerned shall have a period of two months to respond.

Paragraphs 24 to 30 and 32 to 34 shall apply, *mutatis mutandis*, in the case of referral to the Committee on its own initiative”.

2. *Source of communications.* The term “any other relevant information” in Paragraph 23.bis of the Procedures and Mechanisms on Compliance is intended to be comprehensive in its coverage so as to include all sources of information.

3. Concerning public and observers, any member of the public and observers, as defined in Rule 3.12² and Rule 3.14³ of the Rules of Procedure of the Compliance Committee (Decision IG. 19/1 as amended) respectively, may submit a communication to the Compliance Committee in the context of Paragraph 23.bis of the Procedures and Mechanisms on Compliance.

4. *Form of the communication.* Communications addressed to the Compliance Committee should be in writing or in electronic form through the Secretariat and as concise and concrete as possible. It is preferable that the communication should not be more than twelve pages in total. Visual means are also welcomed.

5. The following minimum requirements should be included in any communication addressed to the Compliance Committee

- (a) name and contact details of the communicant, whether this is a natural or legal person, the communication should be signed and be accompanied by a brief statement of the purpose of the communication. The Compliance Committee will not consider anonymous submission, but it will however respect any request of confidentiality by the communicant;
- (b) clear identification of the Party or Parties concerned;
- (c) it is advisable a one to two-page summary with the main facts of the case;

² Rule 3.12 of the Rules of Procedure of the Compliance Committee defines the term “The Public” as: “one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organizations or groups”.

³ Rule 3.14 of the Rules of Procedure of the Compliance Committee defines the term “Observers” as: “the organizations referred to in article 20 of the Convention and those included in the list of MAP partners as approved by the Meeting of the Contracting Parties”.

Article 20.1 “Observers” of the Barcelona Convention reads: “ The Contracting Parties may decide to admit as observers at their meetings and conferences:

- (a) any State which is not a Contracting Party to the Convention;
- (b) any international governmental organization or any non-governmental organization the activities of which are related to the Convention”.

See COP19 Decision IG. 22/18 “Cooperation and Partners” for the List of new MAP Partners.

- (d) a document presenting the facts of the alleged non-compliance, and clearly stating how the facts presented constitute a case of non-compliance with the Barcelona Convention and/or its Protocols;
 - (e) indication of whether steps have been taken to use the remedies available at national and/or international level.
6. Translation into one other working language of the Compliance Committee will be provided by the Secretariat up to a maximum of twelve pages as described above.
7. *Sending of communications:* Communications should be addressed to the Compliance Committee through the UNEP/MAP Coordinating Unit. Communications should not be sent to the individual members of the Compliance Committee or to its Chairperson.
8. *Processing of communications:* Upon receipt of a communication the Secretariat will send an acknowledgement of the receipt and transmit the communication to the Party concerned and to the Compliance Committee within two weeks from the receipt clarifying that, at the present stage it has not been deemed admissible by the Compliance Committee.
9. Communications forwarded by the Secretariat will be considered by the Committee at its next meeting for the Committee to take a decision whether to enter into their preliminary admissibility
10. *Criteria of admissibility:* The Compliance Committee will consider the admissibility of communications addressed to it. To that end the Chair of the Compliance Committee in consultation with the Compliance Committee will appoint from among its members a Rapporteur for each communication.
11. *Determination of admissibility:* For determining admissibility of the communication the Compliance Committee after a brief introduction by the designated Rapporteur will deliberate on its admissibility.
12. When determining admissibility the Compliance Committee will consider whether the communication is:
 - (a) anonymous;
 - (b) *de minimis*;
 - (c) manifestly ill founded
13. In addition, the Compliance Committee will consider whether domestic remedies have been exhausted.
14. If the Compliance Committee determines that the communication is inadmissible, it will inform the Party concerned and the communicant accordingly, through the Secretariat.
15. If the Compliance Committee determines that the communication is admissible, it will notify the Party concerned and the communicant accordingly, through the Secretariat.
16. The Compliance Committee may after making a positive decision on admissibility present the questions raised with the Party concerned, if any, when forwarding the communication. Such questions will be transmitted to the Party concerned by letter from the Secretariat, together with the confirmation of preliminary admissibility.
17. The Compliance Committee may also address any questions to the communicant it might find necessary to clarify the facts of the communication. Such questions will be transmitted to the communicant by letter from the Secretariat, together with the confirmation of preliminary admissibility.
18. The Party concerned should, as soon as possible but no later than two months from the date of the Secretariat's letter, submit written explanations or statements on the matter.

19. If the Party concerned contests the admissibility of the communication, the Compliance Committee will consider this and the communicant will be given an opportunity to comment and/or provide additional information.

20. If the Compliance Committee confirms the admissibility of the communication, it will proceed to the examination of the substance of it. Otherwise, the Compliance Committee will reverse its preliminary decision. The non-admissibility of the communication by the Committee is final. The Compliance Committee will inform the Party concerned and the communicant through the Secretariat.

21. The Compliance Committee should start the formal discussion on all particular communications at the first meeting that takes place following either the receipt of a response to the communication from the Party concerned or within the deadline of two months if no response has been received by then.

22. When the Compliance Committee discuss the substance of any communication at a particular meeting, the Secretariat will notify the Party concerned and the communicant that the communication will be discussed following *mutatis mutandis* the proceedings established in paragraphs 24 to 30 of the Procedures and Mechanisms on Compliance⁴.

⁴ Article 23.bis *in fine* of the Procedures and Mechanisms on Compliance states that: "Paragraphs 24 to 30 [Proceedings] and 32 to 34 [Measures] shall apply *mutatis mutandis*, in the case of referral to the Committee on its own initiative".

Annex II

Programme of Work of the Compliance Committee for the biennium 2018-2019

Programme of Work of the Compliance Committee for the biennium 2018-2019		
Activity	Lead/Who	Timetable/When
Specific submissions under Section V of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocol		
1. To consider any submissions and/or referrals in accordance with Section V of the Procedures and Mechanisms on Compliance	Compliance Committee	14 th and 15 th Compliance Committee Meetings
General issues of Compliance and Implementation under the Barcelona Convention and its Protocols		
2. To consider specific situations of actual or potential non-compliance by individual Parties in accordance with Section IV, Paragraph 17(a) of the Procedures and Mechanisms on Compliance	Compliance Committee	14 th and 15 th Compliance Committee Meetings
3. At the request of the Meeting of the Contracting Parties, to consider general compliance issues in accordance with Section IV, Paragraph 17(b) of the Procedures and Mechanisms on Compliance	Compliance Committee	14 th and 15 th Compliance Committee Meetings
4. To consider any other issues as requested by the Meeting of the Contracting Parties in accordance with Section IV, Paragraph 17(c) of the Procedures and Mechanisms on Compliance	Compliance Committee	14 th and 15 th Compliance Committee Meetings
5. Within the framework of the Revised Reporting Format, to analyse the legal nature of the main obligations of COP thematic Decisions for the purpose of assessing compliance	Compliance Committee	14 th and 15 th Compliance Committee Meetings
6. In the context of the Draft Guidelines for the preliminary assessment of reports to identify actual or potential cases of non-compliance, to establish a set of criteria for assessing compliance	Compliance Committee	14 th and 15 th Compliance Committee Meetings
7. Development of an Explanatory Note for the Revised Reporting Format of the Barcelona Convention and its Protocols (subject to adoption of the Revised Reporting Format by COP 20)	Compliance Committee	14 th and 15 th Compliance Committee Meetings
8. To continue work in order to enhance Compliance Mechanisms' and Procedures' effectiveness, with focus on awareness raising activities	Compliance Committee	14 th and 15 th Compliance Committee Meetings
9. Examination, in close coordination with the MAP Components, of possible difficulties in the interpretation of the provisions of the Barcelona Convention and its Protocols, for consideration at the Meeting of the Contracting Parties, taking into account the findings of the General Status of Progress in the Implementation of the Barcelona Convention and its Protocols	Compliance Committee	14 th and 15 th Compliance Committee Meetings
10. To consider proposals to amend the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols	Compliance Committee	14 th and 15 th Compliance Committee Meetings

Annex III

Renewal or Election of the Membership of the Compliance Committee

Members and Alternate Members of the Compliance Committee renewed or elected by the 20th Meeting of the Contracting Parties

Group I: Algeria, Egypt, Lebanon, Libya, Morocco, Syria and Tunisia

[XXX] as a Member of the Compliance Committee for a term of four years, until COP 22

[XXX] as an Alternate Member of the Compliance Committee for a term of four years, until COP 22

Group II: Croatia, Cyprus, France, Greece, Italy, Malta, Slovenia, Spain and the European Union

[XXX] as a Member of the Compliance Committee for a term of four years, until COP 22

[XXX] as an Alternate Member of the Compliance Committee for a term of four years, until COP 22

Group III: Albania, Bosnia and Herzegovina, Israel, Monaco, Montenegro and Turkey

[XXX] as a Member of the Compliance Committee for a term of four years, until COP 22

[XXX] as an Alternate Member of the Compliance Committee for a term of four years, until COP 22

[XXX] as an Alternate Member of the Compliance Committee for a term of four years, until COP 22